

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JASON COLEMAN and JESSICA §
CASEY, on behalf of the RVNB Holdings, §
Inc. Employee Stock Ownership Plan, and §
on behalf of a class of all other persons §
similarly situated, §
§
§

Plaintiffs, §
§
v. §
§
NEIL M. BROZEN, *et al.*, §
§
Defendants. §

Civil Action No. 3:20-cv-01358-E

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE TO FILE A
TENTH NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING DEFENDANTS'
MOTION TO COMPEL INDIVIDUAL ARBITRATION**

Plaintiffs have filed a tenth request for leave to file a notice of supplemental authority to advise the Court of an additional out-of-circuit court decision that allegedly supports their previously made argument that the Plan's arbitration provision is void as a prospective waiver of ERISA statutory rights and remedies. [ECF No. 128]. Defendants oppose this Motion on the grounds that the Court has previously stated that "any further motions for leave to file supplemental authority shall be disfavored." [ECF No. 123 at pp. 2].

If the Court is inclined to grant Plaintiffs' Motion, Defendants respectfully request leave to file a response to Plaintiffs' Tenth Notice of Supplemental Authority within ten (10) days of Plaintiffs' filing.

Dated: July 11, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

This certifies that on this 11th day of July, 2023, a true and correct copy of the foregoing has been served on all counsel of record through the Court's CM/ECF system.

/s/ Micah R. Prude
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